

Message Text

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ACTION L-03

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C O N F I D E N T I A L VIENNA 07397

E.O. 11652: GDS
TAGS: UN, PFOR
SUBJECT: UN CONFERENCE ON SUCCESSION OF STATES IN RESPECT
- OF TREATIES

1. THE INFORMAL CONSULTATION GROUP CHAIRED BY RITTER (SWITZERLAND) RECOMMENDED TO THE COMMITTEE OF THE WHOLE THE FOLLOWING TEXT OF A NEW ARTICLE 12 BIS ON NATURAL RESOURCES. QUOTE NOTHING IN THE PRESENT CONVENTION SHALL AFFECT THE PRINCIPLES OF INTERNATIONAL LAW AFFIRMING THE PERMANENT SOVEREIGNTY OF EVERY PEOPLE AND STATE OVER ITS NATURAL WEALTH AND RESOURCES. UNQUOTE THE U.S. STATED IN THE GROUP THAT IT COULD NOT ACCEPT THIS FORMULATION OF ARTICLE 12 BIS.
2. THE WORDING, RECOMMENDED BY SWITZERLAND AND IMMEDIATELY ACCEPTED BY THE UK, FRG AND EVERYONE ELSE BUT FRANCE, RESULTED FROM OUR PROPOSAL TO ADD THE WORDS "IN ACCORDANCE WITH INTERNATIONAL LAW" TO THE ORIGINAL FORMULATION. WE ATTEMPTED TO LIMIT THE DAMAGE BY STIPULATING OUR UNDERSTANDING THAT ANY QUOTE INTERNATIONAL LAW PRINCIPLES UNQUOTE IN THIS AREA ARE DEFINED BY THE
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PROVISIONS OF THE 1962 UN DECLARATION ON PERMANENT SOVEREIGNTY AND NATURAL RESOURCES. NOBODY OBJECTED TO THIS INTERPRETATION, ALTHOUGH ITS ACCEPTANCE WAS PROBABLY DUE TO RELATIVE UNFAMILIARITY OF MOST DELEGATES HERE WITH THIS ISSUE.

3. THE INFORMAL CONSULTATION GROUP REACHED CONSENSUS

ON THE FOLLOWING TEXT OF A NEW PARAGRAPH 3 TO ARTICLE
12:QUOTE THE PROVISIONS OF THE PRESENT ARTICLE DO NOT
APPLY TO TREATY OBLIGATIONS ACCEPTED BY THE PREDECESSOR
STATE AND PROVIDING FOR THE ESTABLISHMENT OF FOREIGN
MILITARY BASES ON THE TERRITORY TO WHICH THE SUCCESSION
OF STATES RELATES.UNQUOTE

4. THE INFORMAL CONSULTATION GROUP ALSO REACHED CONSENSUS
ON THE FOLLOWING TEXT OF A RESOLUTION ON INCOMPATIBLE
TREATY OBLIGATIONS: QUOTE THE UNITED NATIONS CONFERENCE
ON SUCCESSION OF STATES IN RESPECT OF TREATIES,
CONSIDERING THAT A UNITING OF STATES MAY GIVE RISE TO IN-
COMPATIBLE OBLIGATIONS AND RIGHTS AS A RESULT OF THE
DIFFERING TREATY REGIMES APPLICABLE TO THE TWO OR MORE
STATES WHICH UNITE, RECOGNIZING THE DESIRABILITY OF
RESOLVING SUCH QUESTIONS THROUGH A PROCESS OF CONSUL-
TATION AND NEGOTIATION, RECOMMENDS THAT IF A UNITING
OF STATES GIVES RISE TO INCOMPATIBLE OBLIGATIONS OR RIGHTS
UNDER TREATIES, THE SUCCESSOR STATE AND THE OTHER STATES
PARTIES TO THE TREATIES IN QUESTION MAKE EVERY EFFORT
TO RESOLVE THE MATTER BY MUTUAL AGREEMENT. UNQUOTE WOLF

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